

STAFF REPORT  
November 4, 2010

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**No. 10SV023 - Variance to the Subdivision Regulations to waive the requirement to install additional pavement along Doolittle Street and Wood Avenue and to waive the requirement to install a sidewalk along the east side of Wood Avenue as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 29**

GENERAL INFORMATION:

APPLICANT	William Peterson
AGENT	Ron Davis for Davis Engineering, Inc.
PROPERTY OWNER	William Peterson
REQUEST	<b>No. 10SV023 - Variance to the Subdivision Regulations to waive the requirement to install additional pavement along Doolittle Street and Wood Avenue and to waive the requirement to install a sidewalk along the east side of Wood Avenue as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Block 76 less the north 8.5 feet of Block 76 of Mahoney Addition located in SW1/4 of SE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot A and Lot B of Block 76 of Mahoney Addition
PARCEL ACREAGE	Approximately .48 acres
LOCATION	At the southeast corner of Doolittle Street and Wood Avenue
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/8/2010
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install additional pavement along Doolittle Street and Wood Avenue be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; and,

That the Variance to the Subdivision Regulations to waive the requirement to install a sidewalk along the east side of Wood Avenue be denied.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision regulations to waive the requirement to install additional pavement along Doolittle Street and Wood Avenue and to install a sidewalk along the east side of Wood Avenue as they abut the property. The City is also currently reviewing a Preliminary Plat (File #10PL063) to subdivide the property into two lots. The lots are to be known as Lot A and Lot B of Block 76, Mahoney Addition and are sized 0.23 acres and 0.25 acres, respectively.

The property is located in the southeast corner of the intersection of Wood Avenue and Doolittle Street. Currently, a single family residence and a garage are located on the property.

STAFF REVIEW:

Staff has reviewed the Variance to the Subdivision Regulations and has noted the following considerations:

Pavement: Wood Avenue and Doolittle Street are classified as sub-collector streets requiring that they be located within a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Wood Avenue is currently located within a 60 foot wide right-of-way and constructed with a 24 foot wide paved surface, curb, gutter, sidewalk along the west side of the street, street light conduit, water, sewer. Doolittle Street is currently located within a 50 foot wide right-of-way and constructed with a 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Requiring additional pavement along the streets as they abut the property will result in a discontinuous street design. In the past, the Planning Commission and the City Council have supported similar Variance requests when the improvement would create a discontinuous street design. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to construct additional pavement along Wood Avenue and Doolittle Street be approved with the stipulation that prior to City Council approval, the applicant sign a waiver of right to protest any future assessment for the improvement.

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Sidewalk: As noted above, a sidewalk has not been constructed along the east side of Wood Avenue. The applicant has subsequently submitted a Variance to the Subdivision Regulations to waive the requirement to install the sidewalk. In the past, it has been the position of the City Council that a sidewalk be provided as a part of the development of a site to insure pedestrian safety within our community. In addition, this is a residential neighborhood. A sidewalk in front of the residential lots creates a safe place for children to play outside of the street. In order to provide a safe place for pedestrians to walk and to secure a safe place for children to play outside of the street, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to provide a sidewalk along the east side of the of Wood Avenue be denied. The applicant should be aware that the sidewalk must be shown on the construction plans; however, it is not required to be built as a part of the subdivision improvements. Instead, the sidewalk is required to be constructed at the time a building permit is issued for the adjacent property.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the November 4, 2010 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.